

MATTER OF CHAMIZO

In Deportation Proceedings

A-11385946

Decided by Board November 28, 1969

Since the Service regulations require that in deportation proceedings an order be entered which will result in the proceedings being processed to a final conclusion, the special inquiry officer's grant of indefinite voluntary departure, without more, after a finding of respondent's deportability, was in error, and the case is remanded by the Board to the special inquiry officer to set a time within which such voluntary departure shall take place, to include an alternate order of deportation, and for a decision on respondent's application for withholding of deportation under section 243(h) of the Immigration and Nationality Act.

CHARGE:

Order: Act of 1952—Section 241(a)(2) [8 U.S.C. 1251(a)(2)]—Entry without inspection.

ON BEHALF OF SERVICE: R. A. Vielhaber
Appellate Trial Attorney
Henry J. Scroope, Jr.
Trial Attorney
(Brief filed)

The special inquiry officer has certified his decision to use for consideration and final determination. In his decision of September 4, 1968, he found the respondent deportable as charged and denied her application for adjustment of status to that of a permanent resident pursuant to the provisions of section 1 of the Act of November 2, 1966, P.L. 89-732 (commonly referred to as the Cuban Refugee Act). He granted the respondent the privilege of voluntary departure but did not set any date within which such departure must be effected. Because of granting voluntary departure for an indefinite period of time, he did not enter an alternate order of deportation. There was pending before him an application for withholding of deportation to Cuba pursuant to section 243(h) of the Immigration and Nationality Act, but such application was not acted upon in view of his decision. Although